

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

3D SYSTEM, INC.,

Plaintiff,

v.

ENVISIONTEC, INC., ENVISIONTEC GmbH
And SIBCO, INC.,

Defendant.

Case No. 05-74891

Judge John Feikens

**ANSWER TO COMPLAINT, AFFIRMATIVE DEFENSES,
COUNTERCLAIMS AND JURY DEMAND**

Defendants Envisontec, Inc. Envisiontech GmbH and SIBCO, Inc. (“Defendants”), by and through their attorneys, Gifford, Krass, Groh, Sprinkle, Anderson & Citkowski, P.C., hereby submits its answers to the Complaint filed by 3D Systems, Inc.

PARTIES

1. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and leaves Plaintiff to its proofs.

2. Admit.

3. Admit.

4. Admit.

JURISDICTION

5. Admit.

6. Admit.

BACKGROUND FACTS

7. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and leaves Plaintiff to its proofs.

8. Denied.

9. Denied.

10. Denied.

11. Denied.

12. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and leaves Plaintiff to its proofs.

PATENTS AT ISSUE

13. Admit.

14. Admit.

15. Admit.

16. Admit.

17. Admit.

18. Admit.

19. Admit.

20. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and leaves Plaintiff to its proofs.

FIRST CLAIM FOR RELIEF

EG's Infringement Of The 3D Systems Patents

21. Defendants incorporates by reference herein the answers of Paragraphs 1-20 of this Answer.

22. Denied.

23. Denied.

24. Denied.

SECOND CLAIM FOR RELIEF

EI's Infringement Of The 3D Systems Patents

25. Defendants incorporates by reference herein the answers of Paragraphs 1-24 of this Answer.

26. Denied.

27. Denied.

THIRD CLAIM FOR RELIEF

Sibco's Infringement Of The 3D Systems Patents

28. Defendants incorporate by reference herein the answers of Paragraphs 1-27 of this Answer.

29. Denied.

30. Denied.

COUNTERCLAIM

DECLARATORY JUDGMENT OF NON-INFRINGEMENT AND INVALIDITY

1. Defendants and Counterclaimants Envisiontec, Inc.; Envisiontec GmbH and Sibco, Inc. ("Envisiontec"), for its counterclaim against Plaintiff and Counterclaim Defendant 3D System, Inc. ("3D"), states and alleges as follows.

2. This is an action for a declaratory judgment, together with such further relief based thereon as may be necessary or proper pursuant to the Federal Declaratory Judgment Act,

28 U.S.C. 2201, 2202. There is an actual controversy between 3D and Envisiontec arising under the United States patent laws, Title 35 of the United States Code.

3. This Counterclaim arises under the Patent Laws of the United States, Title 35, United States Code. The subject matter jurisdiction of the Court is founded upon 28 U.S.C. 1338(a). Venue in this district is proper under 28 U.S.C. 1391(b), 1391(c), and/or 1400.

4. Counterclaim Defendant 3D alleges that it is the owner of U.S. Patent Nos. 5,569,431; 5,571,471; 5,630,981; 4,929,402; 4,999,143; 5,137,662; and 5,345,391 and contends that one or more of certain products made, used, or sold by Envisiontec infringe the claims of that patent.

5. On information and belief, U.S. Patent Nos. 5,569,431; 5,571,471; 5,630,981; 4,929,402; 4,999,143; 5,137,662; and 5,345,391 and each claim of these patents are invalid, unenforceable, and/or not infringed by Envisiontec.

6. Envisiontec has not infringed any valid claim of U.S. Patent Nos. 5,569,431; 5,571,471; 5,630,981; 4,929,402; 4,999,143; 5,137,662; and 5,345,391 directly, indirectly, contributorily, or otherwise, and has not induced any others to infringe any valid claim of that patent.

7. Envisiontec therefore seeks a declaration and finding by this Court that it does not infringe any valid claim of U.S. Patent Nos. 5,569,431; 5,571,471; 5,630,981; 4,929,402; 4,999,143; 5,137,662; and 5,345,391 directly, indirectly, contributorily, or otherwise, and has not induced any others to infringe any valid claim of that patent.

WHEREFORE, Defendants' pray for the following relief:

1. That U.S. Patent Nos. 5,569,431; 5,571,471; 5,630,981; 4,929,402; 4,999,143; 5,137,662; and 5,345,391 and each claim of each of these patents be found invalid, unenforceable, and/or void;

2. That Defendants be found not to infringe directly, indirectly, contributorily, by inducement or otherwise any valid claim of U.S. Patent Nos. 5,569,431; 5,571,471; 5,630,981; 4,929,402; 4,999,143; 5,137,662; and 5,345,391;

3. That Plaintiff be estopped from enforcing U.S. Patent Nos. 5,569,431; 5,571,471; 5,630,981; 4,929,402; 4,999,143; 5,137,662; and 5,345,391 against Defendants;

4. That the Court enter judgment in favor of Defendants and against Plaintiff on each and every count and claim asserted in the Complaint; and

5. That Defendants be awarded such other and further relief as this Court may deem just, equitable, and proper under the circumstances.

JURY DEMAND

Defendants demand a Jury Trial on all issues triable by a Jury

Respectfully submitted

/s/Douglas W. Sprinkle
Douglas W. Sprinkle (P25326)
GIFFORD, KRASS, GROH, SPRINKLE,
ANDERSON & CITKOWSKI, P.C.
2701 Troy Center Drive, Suite 330
P.O. Box 7021
Troy, MI 48007-7021
litigation@patlaw.com
(248) 647-6000
(248) 647-5210 – Facsimile

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2006, I electronically filed the foregoing DEFENDANTS' ANSWER TO COMPLAINT, AFFIRMATIVE DEFENSES, COUNTERCLAIMS AND JURY DEMAND with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Susan M. Kornfield (P41071)
Alan N. Harris (P56324)
BODMAN LLP
110 Miller, Suite 300
Ann Arbor, MI 48104

And by First Class mail, postage, prepaid in an envelope addressed to:

Sidney David
Stephen B. Goldman
Samantha M. Kameros
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
West, NJ 07090-1497

/s/Douglas W. Sprinkle
Douglas W. Sprinkle (P25326)
GIFFORD, KRASS, GROH, SPRINKLE,
ANDERSON & CITKOWSKI, P.C.
2701 Troy Center Drive, Suite 330
P.O. Box 7021
Troy, MI 48007-7021
litigation@patlaw.com
(248) 647-6000
(248) 647-5210 – Facsimile

Attorneys for Defendants